

**HOMELAND SECURITY AND EMERGENCY MANAGEMENT
DEPARTMENT[605]**

Adopted and Filed

Pursuant to the authority of Iowa Code section 17A.3, the Department of Homeland Security and Emergency Management hereby amends Chapter 7, "Local Emergency Management," Iowa Administrative Code.

This amendment implements 2016 Iowa Acts, House File 2353, which amends Iowa Code section 29C.16 to allow emergency management employees to run for partisan elective office. The amendment also aligns the administrative rule with 2016 Iowa Acts, House File 2353, and with the federal Hatch Act. The Hatch Act allows a governmental employee to run for partisan elective office as long as that employee's salary is not 100 percent federally funded.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 2713C** on September 14, 2016. A public hearing was held on October 4, 2016. No public comment was received during the comment period or during the public hearing. This amendment is identical to that published under Notice of Intended Action.

The Department of Homeland Security and Emergency Management adopted this amendment on October 19, 2016.

After analysis and review of this rule making, no fiscal impact has been found.

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code section 29C.16 as amended by 2016 Iowa Acts, House File 2353.

This amendment will become effective December 14, 2016.

The following amendment is adopted.

Amend subrule 7.4(2) as follows:

7.4(2) Political activity.

a. A member of a commission shall not be appointed as the local emergency management coordinator.

b. An individual serving in a full-time or part-time governmental position incompatible with the position of coordinator shall not be appointed as the emergency management coordinator.

c. Any employee of an organization for emergency management shall not: ~~become a candidate for any partisan elective office. However, the employee is not precluded from holding any nonpartisan elective office for which no pay or only token payment is received.~~

(1) During working hours or when performing official duties or when using public equipment or at any time on public property, take part in any way in soliciting any contribution for any political party or any person seeking political office.

(2) Seek or attempt to use any political endorsement in connection with any appointment to a position created under this rule.

(3) Use any official authority or influence for the purpose of interfering with an election or affecting the results of an election.

[Filed 10/19/16, effective 12/14/16]

[Published 11/9/16]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/9/16.